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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Dharmaraj Ramachandra RAO et al.

Serial No.: 10/539,415

Filed June 17, 2005

For: A PROCESS FOR PREPARING DULOXETINE AND INTERMEDIATES FOR USE
THEREIN

REQUEST FOR REPUBLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Further to the Request for Corrected Filing Receipt of November 13, 2006, Applicants respectfully request republication of the application. Although correct on the papers filed with the application, including the Declaration for Patent Application, the application transmittal, and the PCT papers, the last name of the first listed inventor (Mr. Rao) was omitted from the Official Filing Receipt, and as a result, from the patent application publication.

Inventorship is the most basic hallmark of U.S. patent law, and the error on the face of the published patent application, unless corrected, will unfairly burden the Applicants during prosecution in the U.S. and worldwide. As a result of the Patent Office error, Applicants will be forced to explain that the inventorship listed on the face of the published application is incorrect, as the Patent Office omitted the last name of one of the inventors. The Patent Office is reminded that

"[t]he theory of the inventorship entity also is of importance in applying the requirements of novelty and unobviousness. A prior art patent, publication, or invention of one entity may constitute prior art as to a later invention by a separate entity. Thus, as patent A can be used as a reference to show the obviousness of a later invention by [another inventive entity]." Chisum § 2.03[1] (internal citations omitted).

Therefore, every time the incorrectly printed publication is cited worldwide, the present Applicants will be forced to expend time and money to explain the error of the United States Patent Office. Accordingly, republication at the Patent Office's expense is warranted.

In the event that this request for republication is denied as not being due to Patent Office error, the fee for republication may be deducted from Deposit Account No. 19-4375.

Respectfully submitted,



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TPP/mat
Attorney Docket No.: TPP 31770

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Date: November 14, 2006